

Rec'd PCT/PTO 15 FEB 2006

10/506409

Attorney Docket No.: 38509-0202US1

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**MULTIVARIATE RANDOM SEARCH METHOD WITH MULTIPLE
STARTS AND EARLY STOP FOR IDENTIFICATION OF
DIFFERENTIALLY EXPRESSED GENES BASED ON MICROARRAY DATA**

the specification of which (check one)

☐ is attached hereto.

☒ was filed on September 1, 2004, as U.S. Patent Application No. 10/506,409

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of

10/506409

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any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
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I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-----------------|
| 60/361,068 / | March 1, 2002 / |
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I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | PCT/US03/05730 | February 28, 2003 | |
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I HEREBY APPOINT the following registered attorneys and agents of the law firm of HELLER EHRMAN LLP included in the Customer Number provided below:

CUSTOMER NO. 26633

and I request that all correspondence be directed to:

HELLER EHRMAN LLP
1717 Rhode Island Avenue, NW
Washington, DC 20036
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

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Attorney Docket No.: 38505-0221041

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

100 Name of first inventor

Ashot Chilingarian

Residence

Yerevan, Armenia A-01 X

Citizenship

Armenia

Post Office Address

Alkhanyan Brothers 2, #5, 36 Yerevan, Armenia

Inventor's signature

Date

November 30, 2003

Name of second inventor

Ando Szabo

Residence

Layton, Utah

Citizenship

Hungary

Post Office Address

2192 Rolling Oaks Lane, Layton, Utah 84040

Inventor's signature

Date

Name of third inventor

David Jones

Residence

Salt Lake City, Utah

Citizenship

United States

Post Office Address

1780 E. Logan, Salt Lake City, Utah 84109

Inventor's signature

Date

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| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
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| | PCT/US03/05730 ✓ | February 28, 2003 ✓ | |
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| | |
|------------------------|--|
| Name of first inventor | Ashot Chilingarian |
| Residence | Yerevan, Armenia |
| Citizenship | Armenia |
| Post Office Address | Alikhanyan Brothers st. 2, 375036, Yerevan-36, Armenia |
| Inventor's signature | |
| Date | |

2-00

| | |
|-------------------------|--|
| Name of second inventor | Aniko Szabo |
| Residence | Layton, Utah UT |
| Citizenship | Hungary ✓ |
| Post Office Address | 2192 Rolling Oaks Lane, Layton, Utah 84040 |
| Inventor's signature | Aniko Szabo |
| Date | 11/15/2005 |

| | |
|------------------------|---|
| Name of third inventor | David Jones |
| Residence | Salt Lake City, Utah |
| Citizenship | United States |
| Post Office Address | 1780 E. Logan, Salt Lake City, Utah 84108 |
| Inventor's signature | |
| Date | |

10/506409

Attorney Docket No.: 38509-0202US1

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| | |
|------------------------|---|
| Name of first inventor | <u>Ashot Chilingarian</u> |
| Residence | <u>Yerevan, Armenia</u> |
| Citizenship | <u>Armenia</u> |
| Post Office Address | <u>Alikhanyan Brothers st. 2, 375036, Yerevan-36, Armenia</u> |
| Inventor's signature | <u></u> |
| Date | <u></u> |

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|-------------------------|---|
| Name of second inventor | <u>Aniko Szabo</u> |
| Residence | <u>Layton, Utah</u> |
| Citizenship | <u>Hungary</u> |
| Post Office Address | <u>2192 Rolling Oaks Lane, Layton, Utah 84040</u> |
| Inventor's signature | <u></u> |
| Date | <u></u> |

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|------------------------------------|--|
| <u>3-00</u> Name of third inventor | <u>David Jones</u> |
| Residence | <u>Salt Lake City, Utah UT</u> |
| Citizenship | <u>United States</u> |
| Post Office Address | <u>1780 E. Logan, Salt Lake City, Utah 84108</u> |
| Inventor's signature | <u><i>David Jones</i></u> |
| Date | <u>1/15/05</u> |